

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LUIS ANGEL PESQUERA,

Petitioner,

v.

CASE NO. 06-CV-10186
HONORABLE VICTORIA A. ROBERTS

ANDREW JACKSON,

Respondent.

ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL

This matter is before the Court on Petitioner's motion for appointment of counsel in this habeas action. Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). "[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)).

Petitioner submitted his habeas petition in support of his claims. Respondent recently filed an answer to the petition. Upon a preliminary review of the pleadings, the Court finds that neither an evidentiary hearing nor discovery is necessary, and the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c). Accordingly, the Court **DENIES** Petitioner's motion. If the Court finds that

appointment of counsel is necessary upon further consideration of this matter, it will enter an appropriate order. Petitioner need not file an additional motion concerning this issue.

SO ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: September 13, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record and plaintiff by electronic means or U.S. Mail on September 13, 2006.

s/Linda Vertriest
Deputy Clerk